

Appl. No. 09/663,513
Amdt. dated October 21, 2004
Reply to Office action of April 21, 2004

REMARKS/ARGUMENTS

Applicants have concurrently filed a Petition for Extension of Time in regards to the above-named application with the Commissioner for Patents on October 21, 2004.

Claims 1 and 13-20 are pending in the application, and claims 1 and 13-20 have been rejected. Responsive to the rejection of claims 1 and 14-20 under 35 U.S.C. 102(e) as being anticipated by Hejna Jr. ("Hejna"), Applicants submit that Hejna does not teach each recitation of Applicants' claim 1. Applicants' claim 1 recites a method including the steps of identifying the non-audible portion of a broadcast signal and increasing the duration of the non-audible portion of the broadcast signal prior to generating the output signal, thereby creating a time delay between the storage of the broadcast signal and the generation of the output signal.

In rejecting claims 1 and 14-20, Examiner argues that Fig. 5 and paragraphs 0035 and 0040-0043 of Hejna teach the steps of identifying the non-audible portion of a broadcast data signal prior to generating an output signal, and increasing the duration of the non-audible portion of the broadcast data signal to create a time delay between the storage of the broadcast signal and the generation of the output signal. Applicants submit that Hejna does not teach each of the recited steps of Applicants' claim 1. Figure 5 simply illustrates a time-scale expansion of a Time-Scale Modification ("TSM") system. The figure does not show the identification of a non-audible portion of an input signal, and the figure also does not illustrate increasing of the duration of such a non-audible portion to create a time delay. Paragraph 0042, which describes Fig. 5, teaches that a TSM system may modify an input data stream by applying Time-Scale Expansion so that the output signal contains *more samples per block* of input data (as shown in

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Figs. 5 and 6). The use of more samples per block of input data does not indicate that non-audible samples of the input data are identified and increased in duration to create a time delay, but instead teaches that the output stream of samples is played at a slower rate.

Neither paragraph 0042 nor the remaining portions of this reference teach identifying and increasing the non-audible portion of a broadcast signal to create a time delay, as does Applicants' claim 1. In fact, Applicants are not aware of any disclosures in Hejna that even teach or suggest the identification of non-audible portions of the broadcast signal. Therefore, while Hejna teaches the use of a TSM system to vary the playback rate of the output to create a time delay for a stream of samples representing a Time-Scale Modified signal, Hejna does not teach or suggest the increase of the non-audible portion of a broadcast data signal to create a time delay. Accordingly, Hejna does not anticipate Applicants' claim 1.

Responsive to the rejection of claims 14-20, each of these claims either directly or indirectly depend from claim 1 and include all of the recitations of claim 1 therein. For this reason, Applicants submit that Hejna does not anticipate these claims.

Responsive to the rejection of claim 13 under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,930,444 to Camhi et al. ("Camhi") in view of Hejna, Applicants submit that the combination of Hejna and Camhi does not teach each and every recitation of Applicants' amended claim 13, specifically a controller operative to identify the non-audible portion of a broadcast signal and to increase the duration of the non-audible portion of the broadcast signal prior to generating the output signal, thereby creating a time delay between storing the broadcast signal and generating the output signal.

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As described above, Hejna does not teach the creation of a time delay by identifying and increasing the duration of a non-audible portion of a broadcast signal. Camhi also fails to teach a controller operative to identify the non-audio portion of the broadcast signal and to increase the duration of the non-audible portion of the broadcast data signal to create a time delay. Consequently, the combination of Hejna and Camhi do not render claim 13 obvious.

For the above-stated reasons, Applicants submit that every recitation of claim 1 and claims 13-20 is neither taught by Hejna nor taught, disclosed or suggested by the combination of Hejna and Camhi, thereby placing the application in condition for allowance. Applicants respectfully requests allowance thereof.

Should any questions concerning any of the foregoing arise, the Examiner is invited to telephone the undersigned at (317) 237-1184.

Applicants submit herewith a check in the amount of \$790.00, which covers the RCE Fee required by 37 C.F.R. 1.17. If the enclosed remittance is insufficient,

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please charge any additional amount required to Deposit Account No. 02-0390, Baker & Daniels.

Respectfully submitted,
Kareem A. Howell
Kareem A. Howell
Registration No. 53, 039
Attorney for Applicants

KAH/KVW

BAKER & DANIELS
300 North Meridian Street
Suite 2700
Indianapolis, IN 46204
Telephone: (317) 237-1184
Fax: (317) 237-1000

Encls. Return Postcard
Check for \$790.00

CERTIFICATE OF MAILING
(37 C.F.R. § 1.8(a))

I hereby certify that, on the date shown below, this correspondence is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the address above on the date indicated below.

October 21, 2004

By: *Korie V. Walters*
Korie V. Walters